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Hon. Stuart M. Bernstein, Bankruptcy Judge
US Bankruptcy Court, Southern District of New York
One Bowling Green
New York, NY 10004-1408

June 7, 2016

RE: Borges v. Placeres
Adversary Proceeding Case No. 15-01356-SMB

Dear Judge Bernstein,

I am counsel for Plaintiff in the above adversary proceeding. This is a letter request, in lieu of a formal motion, for a one-week extension of the time within which to respond to Defendant's Motion for Summary Judgment.

Pursuant to the Court's May 11, 2016 Scheduling Order, Defendant's motion was to be filed and served by Friday, May 26, and my response by June 10. Defendant's motion was filed early in the morning of Saturday, May 27, which was the Memorial Day weekend, and as a result I did not receive it until the following Tuesday. I had anticipated completing my opposition this week, but two matters have arisen which will make it impossible for me to devote the requisite time, including a court-ordered deposition on Thursday, and a hearing on next Monday, June 13, in which new issues have just arisen, and for which it will take all of my time Friday and the weekend to prepare. I am accordingly respectfully requesting an extension to June 17 to submit my opposition papers, and that Defendant's time to reply be accordingly extended to June 24, 2016.

I have requested Defendant's attorney's consent, but she is unwilling to agree to more than a two-day extension, which for the reasons stated above, is insufficient for me to adequately respond to her motion.

A proposed amended briefing schedule is submitted herewith.

Very truly yours,

/s/ Paul O'Dwyer

cc. Norma Ortiz Esq. (via email and ECF).

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

X

In re:
ALFRED PLACERES,

Debtor.

Chapter 7
Case No. 15-10691-SMB

X

JOSE BORGES,

Plaintiff,

Adversary Proceeding
Case No. 15-01356-SMB

-against-

ALFRED PLACERES,

Defendant.

X

SCHEDULING ORDER

At the pre-trial conference held on May 10, 2016, the Court granted the Defendant's request to move for an order granting summary judgment pursuant (the "Motion") to Fed. R. Bankr. Proc. 7056. Based upon the foregoing, it is hereby

ORDERED, that the Defendant must file and serve the Motion no later than May 27, 2016; and it is further

ORDERED, that the Plaintiff must file and serve its Response to the Motion, if any, no later than June 10, 2016; and it is further

ORDERED, that the Defendant must file and serve its Reply to the Response, if any,, if any, no later than June 17, 2016; and it is further

ORDERED, that the parties must comply with the Court's chambers rules listed on the Court's web site; and it is further

ORDERED, that the Court will schedule a hearing on the Motion if it determines that oral argument is necessary; and it is further

ORDERED, that any party failing to comply with the terms of this order may result in sanctions, including the entry of judgment against the disobedient party.

Dated: May 11, 2016

New York, New York

/s/ Stuart M. Bernstein

STUART M. BERNSTEIN
United States Bankruptcy Judge

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Martha de Jesus*

* (Admitted in New York and New Jersey)

June 8, 2016

Honorable Stuart M. Bernstein
United States Bankruptcy Court
One Bowling Green
New York, New York 10004

**Re: Borges v. Placeres
Adv. Pro. 15-01356**

Dear Judge Bernstein:

The purpose of this letter is primarily to inform your Honor of the circumstances surrounding our filing of the Defendant's Motion for Summary Judgment.

On May 11, 2016, the Court granted Defendant's request to file a Motion for Summary Judgment and entered an order establishing deadlines for the parties to file papers or face the possibility of sanctions. The scheduling order provided the following deadlines:

Date	Party	Description
May 27, 2016	Defendant	File Motion for Summary Judgment
June 10, 2016	Plaintiff	File Response, if any, to Motion for Summary Judgement
June 17, 2016	Defendant	File Reply, if any to Plaintiff's Response

In order to ensure that we did not run afoul of the order, I began to draft the Memorandum of Law in Support of the Defendant's Motion the week the scheduling order was entered. However, when my office began assembling the documents on May 27th, we discovered that I lost the portion of the Memorandum of Law I had previously drafted. Additionally, we received declarations from witnesses close to the deadline of May 27th, which created some delay. I recreated the lost portion of the Memorandum of Law. As a result, my

Hon. Stuart M. Bernstein
June 8, 2016
Page 2

associate and I could not assemble and complete the filing of all documents until approximately 5:00 a.m. on May 28th.

I apologize to the Court and Mr. O'Dwyer for the delay: it was unintentional.

On June 7, 2016, Paul O'Dwyer, the Plaintiff's attorney, requested an extension of his deadline to respond to the Defendant's motion. Given the amount of time and planning we expended to meet the Court's deadline, and that the Defendant was less than six hours late with our filing, I thought it was unfair of Mr. O'Dwyer to request seven additional days to respond, and I consented to a two business day extension to June 14, 2016. If the Court grants Mr. O'Dwyer's request to extend his time to June 17th, the Defendant request a similar extension. Due to previously scheduled obligations during the week of June 20th, the Defendant request that his time to reply to the Plaintiff's response be extended to July 1, 2016.

Thank you for your consideration.

*Granted
SMB
6/14/16*

Very truly yours,

/s/Norma E. Ortiz

Norma E. Ortiz

cc: Paul O'Dwyer, Esq.